IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13531 of 1994

With

CIVIL APPLICATION NO. 13978 Of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

BHIMA RATNA RABARI

Versus

STATE OF GUJARAT

Appearance:

MR AJ RAVAL for Petitioner

Mr. Mukesh Patel, ld.GOVT PLEADER for Respondent No. 1

DS AFF.NOT FILED (N) for Respondent No. 4

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 05/04/2000

ORAL JUDGEMENT

Mr. Mukesh Patel, learned AGP appears on behalf

of the State Respondent. None appears for the petitioner.

Petitioner has preferred this writ petition for quashing the order passed by the Collector at Annexure-B. It appears that certain lands were allotted to Varnoda Gram Panchayat, Respondent no.4 for grazing purpose. But since the lands were not utilised by the Panchayat for grazing, it has been decided by the Government to resume the lands for public purpose. Accordingly the Collector who has been delegated the power of the State Government has resumed certain lands from the said Panchayat for the public purpose. The petitioner having felt aggrieved by the order of the Collector filed the petition for quashing the order of the Collector.

It appears from the provisions of Section 108 of the Gujarat Panchayats Act, 1993 that the Government may vest certain land to the Panchayat for certain purposes, and the land for grazing is also one of the purposes for which the land can be given to the Panchayat by the Government. Learned AGP submitted that, the land which was given to the Panchayat for grazing purpose has not been utilised by the Panchayat, and therefore, it has been decided by the Government to resume the land. Accordingly the Collector being empowered by the State Government has issued the order to resume the land. Therefore, I do not find any illegality in the order passed by the Collector at Annexure-B. After going through the records, I am of the view that, there is no merit in the petition and accordingly the petition is dismissed. Rule discharged. Interim order if any shall stand vacated, but I make no order as to costs.

In view of the order passed in the main petition , no order is necessary in the Civil Application and it is accordingly disposed of.

Dt: 5-4-2000 (P.K. Sarkar, J)